

**MEETING NOTICE & AGENDA**  
**VILLAGE OF NORTH PRAIRIE**  
**PLANNING COMMISSION MEETING**  
North Prairie Village Hall - 130 N Harrison St.  
**November 11, 2025, at 6:30 P.M.**

Pursuant to the requirements of Section 19.84, WI Stats., notice is hereby given of a meeting of the Village of North Prairie Plan Commission, at which a quorum of the Village Board may be in attendance to gather information about subjects which they have decision making responsibility. Notice of Village Board Quorum, Chairperson to announce the following if a quorum of the Village Board is in attendance at the meeting: please let the minutes reflect that a quorum of the Village Board is present.

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Discussion and/or Action: October 7, 2025, Plan Commission meeting minutes.
5. Discussion and/or Action: Request by Kimberly Dragotta, 212 W. State Rd., North Prairie, Wisconsin for in-home salon business.
6. Discussion and/or Action: Resolution No. R03-2025; a Resolution to recommend to the Village Board a revision to the Village's Comprehensive Plan.
7. Discussion and/or Action: Conditional Use Order and Site Plan/Plan of Operation Approval – TKN NPV 1565999001.
8. Motion to adjourn.

It is possible that members of and possibly a quorum of members of other government bodies of the municipality may attend the above stated meeting to gather information; no action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice. Please note that, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information, please contact the Village Office at 262-392-2271.

Submitted by:

Evelyn Etten

Administrator/Clerk/Treasurer

Nov. 6, 2025

**MEETING NOTICE & AGENDA**  
**VILLAGE OF NORTH PRAIRIE**  
**PLANNING COMMISSION MINUTES**  
North Prairie Village Hall - 130 N Harrison St.  
**October 7, 2025, at 6:30 P.M.**

1. Call to Order – Meeting was called to order at 6:32 p.m.  
In the absence of Chairman Miresse, Mike Radomski moved to appoint Debbie Hall as Chairman for the meeting, second by Dave Stellpflug, **motion carried, 4/0.**
2. Roll Call – Present – Trustee Hall, Brad Beglinger, Mike Radomski & Dave Stellpflug. Absent – Chairman Miresse, Tim Paulson & Mike Schreiber.
3. Pledge of Allegiance
4. Approval of the Minutes: August 12, 2025, Plan Commission Mtg. – Debbie Hall motioned to approve the minutes as presented, second by Brad Beglinger, **motion carried, 4/0.**
5. Discussion and/or Action: Review and approval of the landscaping, lighting & signage plans for “The Glens” at the Broadland’s – Debbie Hall motioned to approve the landscaping, lighting & signage plans for the Glen at the Broadlands per the approval of our engineer, Lynch & Associates (per various dates as presented), second by Mike Radomski, no further discussion, **motion carried 4/0.**
6. Discussion and/or Action: Request by Paul Baumgartner, 106 Hickory Drive, North Prairie, WI for Issuance of Special Use Permit for Ground-Mounted Solar Energy System – Debbie Hall stated that 10-15 years ago, the Village of North Prairie approved ground-mounted solar panels. Debbie Hall motioned to open the meeting to public comment, seconded by Dave Stellpflug, **motion carried 4/0.**

Building Inspector, Scott Johnson stated the applicant has done his homework & everything is in order. Mr. Baumgartner stated that over the past few years he has been preparing his land for this project by planting trees that are now around 6-9’ high and adding a berm so that it is not an eyesore to his neighbors. The area around the proposed solar panels is very secluded with only one spot where the solar panels might be visible, but you would really need to be looking for them. Brad Beglinger confirmed that he drove out to the property, and it is very secluded. With no further comments, Debbie Hall motioned to close the meeting for public comment, second by Dave Stellpflug, **motion carried, 4/0.**

Debbie Hall motioned to approve the request to issue a Special Use Permit for Ground-Mounted Solar Energy System by Paul Baumgartner, 106 Hickory Drive, North Prairie, WI, second by Brad Beglinger, no further discussion, **motion carried, 4/0.**

7. Discussion and/or Action: Kipp/Fercho land division – Debbie Hall discussed why the Kipp/Fercho land division is coming before the Plan Commission. The Kipp/Fercho family requested to break out a section of a 34-acre parcel to build a house for his daughter. This property is currently in Town of Genesee. Per our boundary agreement with the Town of Genesee, this property can be annexed into the Village of North Prairie. However, according to our current Land Use and Transportation Plan, this property would be

considered as "I" – Industrial zoning. The family is asking the Plan Commission if they would be open to consider changing the zoning to "R" – Residential & "A" Agricultural instead of Industrial if they were to bring all 34 acres into the Village of North Prairie. The family has already gotten pretty far in the process of building a house with plans and engineering before this boundary agreement was brought up to them. Debbie Hall further explained the current land use near or around the Kipp/Fercho property and why it would make sense to consider changing the VNP Land Use and Transportation Plan once the Kipp/Fercho family applied for annexation. There is a whole process that happens through annexation that needs to be followed, but the family wants to know if the Village of North Prairie Plan Commission will even consider the request to change the zoning before spending more time and/or money on this. Debbie Hall asked if the Kipp/Fercho family wanted to explain anything further and they declined, stating Debbie did a very good job with her explanation. Mike Radomski asked if changing the zoning would limit or restrict the Laue property or what they intend to do with it? Debbie Hall stated that it should not limit or redistrict the use of the Laue property. **No action taken.**

8. Discussion and/or Action: Amendment to North Prairie Land use and Transportation Plan – Debbie Hall motioned for the Plan Commission to request the Village Board to consider amending the Land Use and Transportation Plan to reclassify the two current parcels owned by Kipp family (Tax key # GNT 1565997 & GNT 1565998) to be reclassified from "I" Industrial to "R" Residential, second by Brad Beglinger, **motion carried, 4/0**, Debbie Hall mentioned that through the annexation process, the land would transition into the Village of North Prairie initially as "A" Agricultural land, but then we would change the zoning/map to "R" Residential, once approved. There will need to be a public hearing for this whole process to start. Debbie Hall motioned to open the meeting for public comment, seconded by Dave Stellpflug, **motion carried, 4/0**. No comments. Debbie Hall motioned to close the public comments, second by Dave Stellpflug, **motion carried, 4/0**.
9. Discussion and/or Action: Amendment to North Prairie Zoning Code – Debbie Hall motioned to reclassify tax key parcels GNT 1565997 & GNT 1565998 from an "I" Industrial zoning to "R" Residential zoning if these two parcels were annexed into the Village of North Prairie, second by Dave Stellpflug, **motion carried 4/0**. Debbie Hall mentioned that this item will need to go onto the board's agenda to set a date for the public hearing.
10. Motion to adjourn – Dave Stellpflug motioned to adjourn at 7:15 p.m., second by Mike Radomski, **motion carried, 4/0**.

Submitted by:

Evelyn Effen

Administrator/Clerk/Treasurer

Oct. 13, 2025

## PLANNING COMMISSION AGENDA REQUEST FORM

Name of Person Making Request: Kimberly Dragotta  
Property Owner: Kimberly Dragotta (soon to be)  
Address: 212 W. State Rd. North Prairie, 53139  
Daytime Phone Number: 262-745-8235

Date of Requested Meeting: \_\_\_\_\_

Agenda Item Requested: Salon/business in home. (Kimmey's hair studio)

Describe purpose and action requested: hair salon in home. private entry,  
private bathroom. parking spot. 2 clients AT MOST  
at one time. usually only one.

hours of operation: varies. start time is usually 9am and  
end time is usually no later than 7:30pm. everyday varies. sometimes  
earlier.

Name of person(s) to attend the meeting: Kimberly Dragotta

I, the undersigned, have been advised that pursuant to the Village of North Prairie Code of Ordinance to utilize Section 66.60 (16), Wisconsin Statutes, if the Village Attorney, Village Engineer or any other Village professional provides services to the Village as a result of my activities, whether at my request or the request of the Village, I shall be responsible for the fees incurred by the Village. Also, I have been advised that pursuant to the Village of North Prairie Code of Ordinances, certain other fees, costs, and charges are my responsibility.

Kimberly Dragotta (soon to be!)  
Signature of Property Owner

\_\_\_\_\_  
Signature of Responsible Party

212 W. State Rd. North Prairie, WI  
Address of Property Owner 53153

\_\_\_\_\_  
Address of Responsible Party

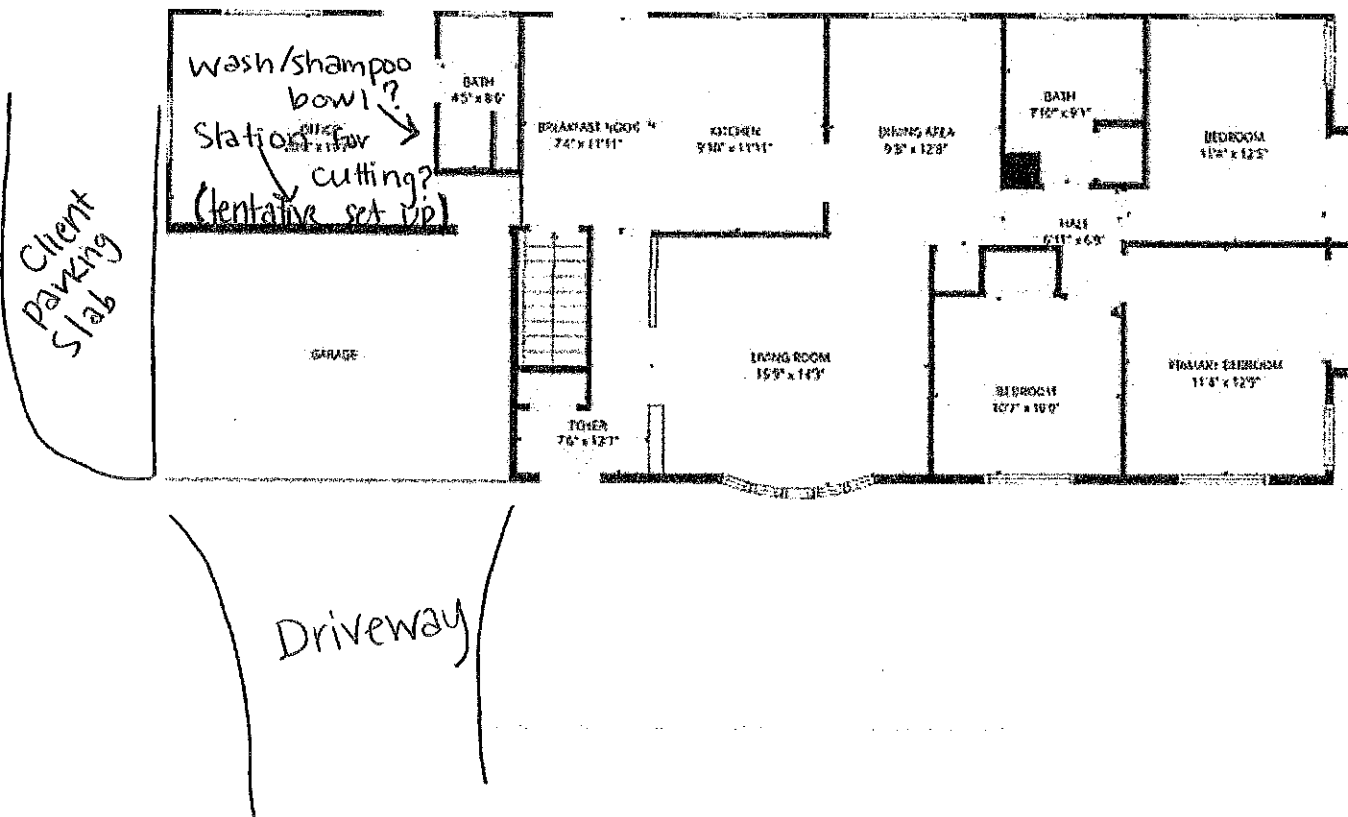
[Signature]  
Received By

11/4/25  
Date of Request

\_\_\_\_\_  
Village President approves this request on agenda.

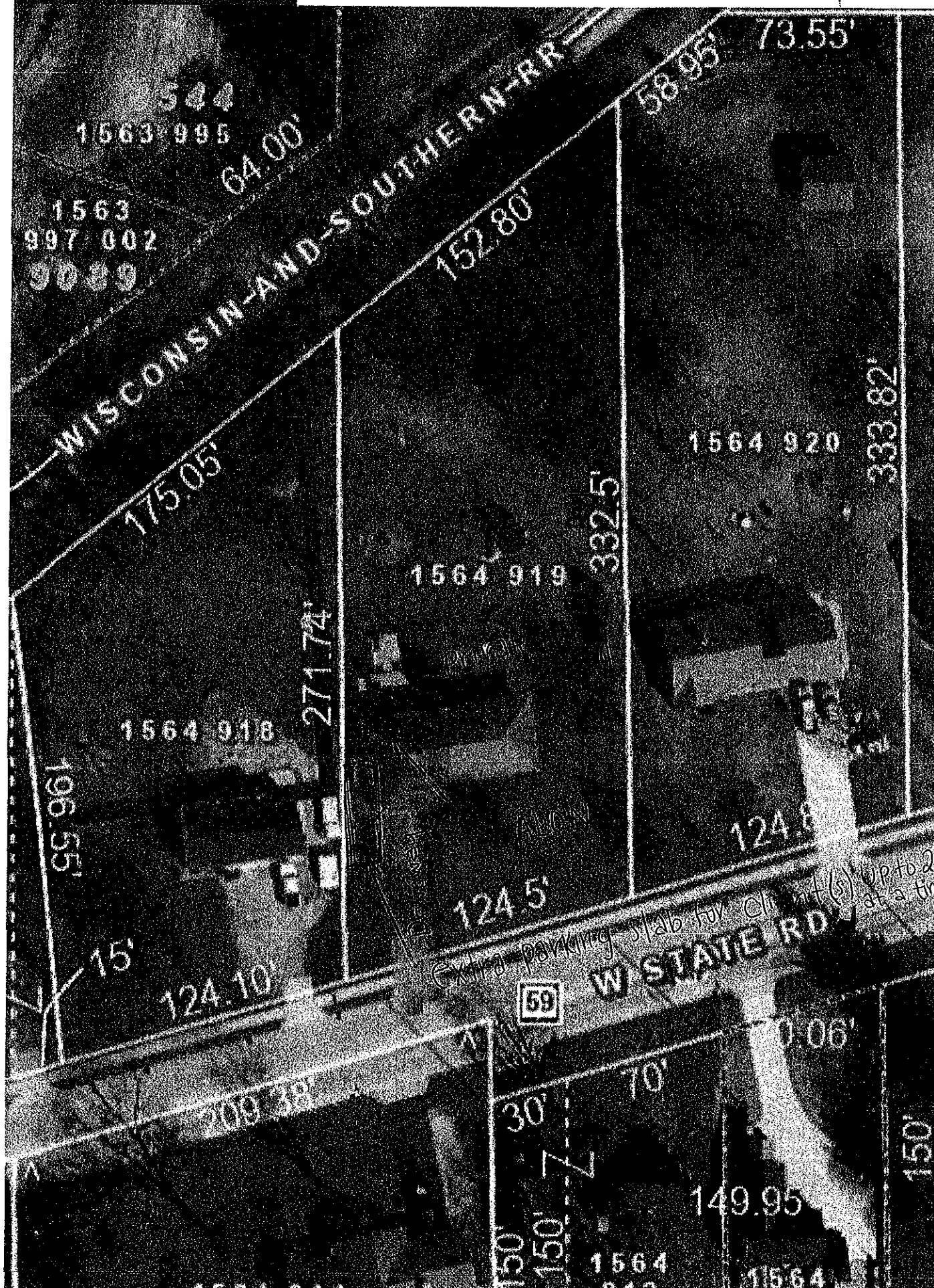
*Agenda requests must be submitted at least fifteen (15) working days prior to the scheduled meeting date. It will be the applicant's responsibility to complete and submit all forms and applications (where applicable) and submitted as stated above. Any forms not completed fully shall be returned to the applicant delaying any action by the Village Planning Commission.*

↙ exterior door for clients



I want to...

212 w state road no



**RESOLUTION NO. R03-2025**

**RESOLUTION OF THE PLAN COMMISSION RECOMMENDING TO THE VILLAGE BOARD A REVISION TO THE VILLAGE'S COMPREHENSIVE PLAN**

**WHEREAS**, the Village Board is authorized by state law to adopt a comprehensive plan, as defined in Sections 66.1001(1)(a) and 66.1001(2) of Wisconsin Statutes and to amend it from time to time; and

**WHEREAS**, the Village Board adopted a Comprehensive Plan on April 23, 2009 (the "Plan") by Ordinance No. 3-09; and

**WHEREAS**, consideration of a proposed amendment to the Plan has been initiated by the Village Plan Commission to change the land use designation on Map 7 of Exhibit B to the Plan that is titled "Land Use and Transportation Plan Map" for the parcels identified as Tax Key Number GNT 1565.997 located at S55 W32309 CTH ZZ, North Prairie, WI and Tax Key Number GNT 1565.998 located on CTH ZZ, North Prairie, WI (collectively, the "Properties") from Industrial to Suburban Residential; and

**WHEREAS**, the Plan Commission finds that, with this amendment, the Plan meets all requirements of Section 66.1001(2) of the Wisconsin Statutes and remains internally consistent.

**NOW, THEREFORE, BE IT RESOLVED** that, by a majority vote of the plan commission recorded in its official minutes, the Plan Commission recommends the amendment of Map 7 titled "Land Use and Transportation Plan Map" as contained in Exhibit B of the Plan ("Map 7") to reflect that the land use classification is changed from Industrial to Suburban Residential for the Properties;

**BE IT FURTHER RESOLVED** that the Plan Commission does hereby recommend that the Village Board conduct a public hearing to consider public comments regarding the requested amendment pursuant to the procedures of Section 66.1001(4)(b) of the Wisconsin Statutes and thereafter enact an Ordinance adopting an amendment to the Plan to reflect that the Properties are classified as Suburban Residential on Map 7; and

**BE IT FURTHER RESOLVED** that the Village Clerk is directed to send a copy of this resolution to each of the following:

1. the Waukesha County Clerk;
2. the clerk of every local government unit that is adjacent to the Village;
3. the State of Wisconsin Department of Administration;
4. the Southeastern Wisconsin Regional Planning Commission; and
5. those public libraries that serve the Village.

Pass and adopted this 11<sup>th</sup> day of November 2025.

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Dan Miressee, Plan Commission Chair

ATTEST

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Evelyn Etten  
Village Clerk, Village of North Prairie, Waukesha County, Wisconsin

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|                 |                |
|-----------------|----------------|
| Document Number | Document Title |
|-----------------|----------------|

CONDITIONAL USE ORDER  
AND SITE PLAN/PLAN OF  
OPERATION APPROVAL

4765899

REGISTER OF DEEDS  
WAUKESHA COUNTY, WI  
RECORDED ON

May 10, 2024 12:54 PM  
James R Behrend  
Register of Deeds

15 PGS  
TOTAL FEE:\$30.00  
TRANS FEE:\$0.00

Book Page -



Recording Area

Name and Return Address:

Eric J. Larson  
730 N. Grand Ave.  
Waukesha, WI 53186

Tax Identification Number:

NPV 1565999001

This instrument was drafted by  
Attorney Eric J. Larson  
Municipal Law & Litigation Group, S.C.

Village of North Prairie  
130 North Harrison Street, North Prairie, WI 53153

**CONDITIONAL USE ORDER  
AND SITE PLAN/PLAN OF OPERATION APPROVAL**

**THIS IS NOT A PERMIT: YOU MUST COMPLY WITH CONDITIONAL USE CONDITIONS NO. 3 IN THE CONDITIONS SECTION BELOW BEFORE YOUR CONDITIONAL USE PERMIT WILL BE ISSUED. FAILURE TO OBTAIN PERMIT(S) MAY RESULT IN THE ISSUANCE OF CITATIONS.**

March 26, 2024

Petitioner: Robert C. Laue, Jr., 755 Mill Pond Rd., Dousman, WI 53118

**Tax Key:** NPV 1565999001

**FINDINGS OF FACT<sup>1</sup>**

1. On February 28, 2024 the Petitioner Robert C. Laue, Jr., submitted an application for Conditional Use Permit approval and a separate application for a Plan of Operation approval, with the conditional use concerning storage of building materials, and the operation application concerning landscaping materials retail uses on property located at the intersection of Hwy. ZZ and the railroad tracks, known as parcel number NPV 1565999001, as more specifically described in Exhibit A attached hereto and incorporated herein (hereinafter "Subject Property")
2. The Subject Property is located in the I-1 Industrial District.
3. The Subject Property is currently owned by Redd LLC.
4. By Remand Order of the Waukesha County Circuit Court filed January 18, 2024, in Case Number 23 CV 1443, the Court concluded that the Petitioner's proposed use is a permitted retail use in the I-1 Industrial District, except that the outdoor storage is a conditional use in the I-1 Institutional District per Section 4.10E.(10) of the Village of North Prairie Zoning Code.<sup>2</sup>
5. The Petitioner is requesting a conditional use permit to allow outdoor storage of building materials pursuant to Section 4.10E(10) of the Village of North Prairie Zoning Code.

<sup>1</sup> To the extent that findings of fact shown herein represent conclusions of law, these shall be deemed to be conclusions of law. To the extent that conclusions of law shown herein represent findings of fact, these shall be deemed to be findings of fact. The heading under which the statements are made shall not be controlling.

<sup>2</sup> The Remand Order guides and binds the parties in this matter. However, these proceedings subsequent to remand arise under a different Code section than was previously considered prior to the litigation, per the Remand Order, so new applications were submitted, and a new public hearing was held. Therefore, what transpired prior to the remand order is not relevant to this proceeding and will not be discussed or considered at this time.

6. The Petitioner is also requesting Site Plan and Plan of Operation approval for office and storage of bagged products for sale within Building A, for annual and perennial plants in Building B, and for outdoor concrete bins for landscape/hardscape materials (top soil, compost, sand, various decorative construction stone and mulch, and pallets of manufactured and natural pavers and outcropping); all pursuant to Section 4.10L. of the Village of North Prairie Zoning Code.
7. Upon publication of the required "Notice of Public Hearing" and mailing of said "Notice of Public Hearing" to all parties-in-interest as required by Section 5.3A. of the Village Zoning Code, the Plan Commission held a Public Hearing on March 18, 2024 as required by Section 5.3A. of the Village Zoning Code.
8. The purpose of the scheduled Public Hearing before the Plan Commission was to consider said applications.
9. All persons present were given an opportunity to be heard.
10. Attorney James Hammes presented oral arguments related to the standards of the ordinance, and argued that the standards will be met for the proposed operation. Attorney Hammes described a noise ordinance in effect in the Village of Summit, which establishes decibel readings that are measurable, and that he argued would be an appropriate method of regulating sound in the Village of North Prairie. He stated that North Prairie does not have such an ordinance at this time.
11. Sandy Mueller<sup>3</sup> presented sworn testimony in favor of the application that included several videos of herself measuring sound readings she took using a cell phone app, measuring the sound of the machinery that will be used in the proposed operation from various distances, and also measuring the ambient sound in the area. The videos generally showed decibel readings on the cell phone app that were comparable to the ambient noise levels. The digital files containing the sound recordings were subsequently marked and included in the record of the hearing.
12. Hunter Laue presented sworn testimony concerning the desire to continue the family business.
13. Trisha Vekodinovich presented sworn testimony in favor of the application. She testified that she is the owner of a well and pump business in the Village of North Prairie industrial park. She testified that the industrial park needs more businesses, and the applicant is proposing a great business that will be a great asset to the North Prairie community.
14. Michele Laue presented sworn testimony in favor of the application. She testified that the landscaping business should be here in North Prairie, and they will be a partner in the community as they were in the Village of Dousman.

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<sup>3</sup> Name spellings throughout this Order are phonetic and may not be fully accurate.

15. Robert Reddington presented sworn testimony in favor of the application. He testified that he bought the property and restored it, built a berm, and prepared it for business. He testified it is a perfect spot for the proposed business. He testified the Laue's operation is clean cut, and there will not be any complaints.
16. Colton Miller presented sworn testimony in favor of the application. He testified he supports the Laue's, as a contractor. He testified that in his contracting business he likes working with Laue because others don't run half the business that Laue's run.
17. James Shwartz presented sworn testimony in favor of the application. He testified that he owns property in the Village of North Prairie industrial park. He testified he has known the Petitioner for a long time. He testified their operation is clean and proficient. He said it would be good for the Village to have the property used, and it would be a good asset.
18. Scott Blaesing presented sworn testimony in favor of the application. He testified that RC's character is not in question [referring to the Petitioner]. He testified it does not make sense to not let him do this, and urged the Plan Commission to let the Petitioner do this.
19. Greg Schaefer presented sworn testimony in favor of the application. He testified that he worked for 30 years in road construction, and 4 years with RC [referring to the Petitioner]. He testified the operation is legit. He testified that RC helps the community. He testified that Hunter spends days helping the Village. He testified it is a really good business.
20. Kent Brightenfeldt presented sworn testimony in favor of the application. He testified that he was in road construction for 25 to 30 years. He testified that the Petitioner cares about the community and neighbors, and he is an honorable man.
21. Michele Tersony presented sworn testimony in opposition to the application. She testified that she is a resident on the other side of the railroad tracks from the subject property. She testified that her property is less than 600 feet from the operation, though her property is not within the Village of North Prairie. She testified that 4 of the 5 houses in her neighborhood are also less than 600' from the proposed operation, and also not within the Village. She testified that Section 1.3 of the Village Zoning Code describes the purpose and intent of the Code, and this proposed use does not meet that intent.
22. Jake Tersony presented sworn testimony in opposition to the application. He testified that this use would violate the intent of the zoning ordinance, as stated in Section 1.3, due to the noise and the intent of the code as stated in Section 1.3. He testified that the use violates the spirit of the ordinance. He further testified that highway access will not be permitted by Waukesha County.
23. Matthew Mickleburg presented sworn testimony in opposition to the application. He read a letter he stated came from his father. He cited the 600' separation requirement of the ordinance. He noted that the applicant proposes to have two accessory buildings, but no principal building on the property, which he believes is not allowed. He testified that the proposed port-a-john's do not comply with the International Building Code for sanitation,

and the plumbing fixtures must be connected sanitary sewer and water supply. He said the access to the property is dangerous with insufficient sight distances, and semi-trucks cannot safely enter the property.

24. Isabella Mickleburg presented sworn testimony in opposition to the application. She said she is a student and the noise of the proposed operation will disrupt her studies. She also said she is very uncomfortable to have people looking at her if she would study outside.
25. Robert Hanoch presented sworn testimony in opposition to the application. He testified that the sound readings were a joke. He testified that it is not possible that the ambient noise could be louder than the tractor. He testified the word "shall" applies to the 600' separation requirement, and shall is imperative. He testified the intent of the ordinance includes surrounding areas.
26. Kathleen T. presented sworn testimony in opposition to the application. She agreed with the points made. She testified she seldom hears the gravel pit. She knows they have concrete trucks, and there are trains, but she can't do anything about those things. She is concerned about her living environment, and asks the Plan Commission to take consideration of living conditions.
27. Mark H. presented sworn testimony in opposition to the application. He testified that the noise in the videos should have included measurement of the tractor backing up, with the back-up beepers.
28. Katie Mickleberg presented sworn testimony in opposition to the application. She testified that her mailing address is North Prairie, though her house is not within the Village. She testified the proposed use would be detrimental to the Village due to smoke, noise, and dust, and should not abut a residential district. She described the clean air act definition of noise, and described the bowl created by the berm that makes the sound go up. She does not believe the dust will be controlled adequately. She believes the stormwater may go into the groundwater, or may run off the property into wetlands. She emphasized the 600' separation of the ordinance. She said that she is not located in the Village but is in discussions for possible annexation, and regardless the invisible line that separates the Village from her should not be relevant.

#### CONCLUSIONS OF LAW CONCERNING CONDITIONAL USE APPLICATION<sup>4</sup>

1. Wisconsin Statutes Section 62.23(7)(de)(2)(a) provides: "If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the city ordinance or those imposed by the city zoning board, the city shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence." The term "city" in the statute applies equally to the Village, per Section 61.35, Wis. Stats.

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<sup>4</sup> See footnote 1.

2. Section 1.3 of the Village Zoning Code states: "INTENT. It is the general intent of this Ordinance to regulate and restrict the use of all structures, lands, and waters; regulate and restrict lot coverage, population distribution, and density; and regulate and restrict size and location of all structures so as to: lessen congestion in and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic, and other dangers; provide adequate light, air, sanitation, and drainage; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; facilitate the use of solar energy devices and other innovative development techniques; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the community; and implement the community's comprehensive plan or plan components. To this end, it is further intended to provide for the administration and enforcement of this Ordinance and to provide penalties for its violation."

The Plan Commission finds that the statement of intent does not provide standards as contemplated by Wisconsin Statutes Section 62.23(7)(de), it provides only broad goals considered by the Village Board when they create zoning ordinances. The Plan Commission is implementing a Village ordinance, not creating one, so the Village Plan Commission does not rely upon the statement of intent in rendering its decision except to the extent necessary to aid in the interpretation of the more operative provisions of the Village Code that are relevant in this matter.

3. Section 5.3 (intro) of the Village Zoning Code states, concerning Conditional Use review, that "The Village Plan Commission shall review the submitted documents as to the site's existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed operation."

The Village Plan Commission has done so as required in rendering its decision in this matter.

4. Section 5.3C. of the Village Zoning Code states, concerning conditions applicable to conditional use permits, states: "Conditions such as landscaping, architectural design, type of construction, floodproofing, anchoring of structures, construction commencement and completion dates, sureties, lighting, fencing, buffer yards, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, parking requirements or any other items deemed necessary by the Village Plan Commission to fulfill the purpose and intent of this ordinance."

The Plan Commission has considered such issues in creating appropriate conditions for the conditional use permit, subject to the limitations imposed by Wisconsin Statutes Section 62.23(7)(de).

5. Section 4.10E.(10) of the Village Zoning Code states the following regarding outdoor storage uses in the I-1 Industrial District:

"E. Conditional Uses (Refer to Section 5 for associated regulations) ... (10) Storage of building materials, ice, dry ice, flammables, gasoline, grains, paint, shellac, fat, lard, turpentine, vinegar, and yeast. All outside storage areas shall be at least 600 feet from residential, park, and institutional districts located in the Village. The Plan Commission may waive or reduce the 600-foot separation requirement. In all cases, outside storage shall be screened with buffer yards. All buffer yard plans shall be subject to review and approval by the Village Plan Commission. Buffer plantings in buffer yards shall consist of predominately evergreen trees and shrubs, the individual trees and shrubs to be of such a number and so arranged that they will have formed a dense screen within five years, or by a fence, or by a combination of trees and fencing. Individual trees shall be capable of reaching a height of ten feet within two years. Furthermore, no use shall be granted a modification of the separation requirement if the Plan Commission determines that the use will have a high risk of fire, explosion, noise, vibration, odor, or if the use will generate traffic volumes in excess of those reasonably expected in a residential neighborhood. The storage areas may be crushed stone or gravel surfaced provided dust does not create a nuisance to adjacent properties and that the areas are maintained to lines and grades established by the Village Engineer, are free of ruts and potholes, and do not exhibit ponding or standing water in wet weather."

As to these requirements, the Plan Commission concludes as follows:

- A. Issue: 600'. The proposed use will be located further than 600 feet from residential, park and institutional districts located in the Village. Evidence was received at the public hearing to show that the proposed use will be located closer than 600 feet from a residential district located in the Town of Genesee, but that is not regulated by the Village Code. The Plan Commission concludes pursuant to Wisconsin Statutes Section 62.23(7)(de)(2)(a) that the Plan Commission has no ability to interpret the standards of the Village Zoning Code differently than stated in the words of the Code. The applicable measurement only applies to zoning districts located in the Village, not to zoning districts located outside of the Village. While broad statements of intent in Section 1.3 of the Village Code might reach beyond the borders of the Village, that does not change the plain language of Section 4.10E.(10) which is unambiguously applicable only to residential districts within the Village. The Petitioner has demonstrated compliance with this 600' separation requirement, subject to the conditions shown below.
- B. Issue: Screening/Buffer. The Petitioner has proposed screening of the proposed outdoor storage, in the Petitioner's application. The Petitioner's proposal satisfies the requirements of the Village Code that the plantings in buffer yards shall consist of predominately evergreen trees and shrubs, specifically white pines and Norway spruce, with the individual trees and shrubs to be of such a number and so arranged that they will have formed a dense screen within five years. There was no testimony or evidence from opponents on the issue of screening the buffer area that would suggest the contrary. The Plan Commission finds that this requirement is met, subject to the conditions shown below.

- C. Surfacing. The application indicates the parking lot will be constructed of compacted gravel, which is permitted by the Village Code provided dust does not create a nuisance to abutting properties and the areas are maintained to lines and grades established by the Village Engineer, are free of ruts and potholes, and do not exhibit ponding or standing water in wet weather. There was no testimony or evidence from opponents on the issue of surfacing that would suggest the contrary. The Plan Commission finds that this requirement is met, subject to the conditions shown below.
6. The Plan Commission finds and concludes that the Petitioner has shown by substantial evidence that all standards of the Village of North Prairie Zoning Ordinance and of this Conditional Use Order related to the proposed use will be met, and substantial evidence to the contrary has not been provided, subject to compliance with the conditional use conditions shown below.

CONCLUSIONS OF LAW CONCERNING SITE PLAN/PLAN OF OPERATION  
APPLICATION<sup>5</sup>

7. Section 4.10L. of the Village Zoning Code states the following regarding required plans for industrial uses:

“Plans to be Submitted to Plan Commission

(1) To encourage an industrial use environment that is compatible with the primarily residential character of the Village, building permits for permitted uses in the I-1 Industrial District shall not be issued without review and approval of a site plan by the Village Plan Commission. Said review and approval shall be concerned with general layout, building locations and configurations, building materials and appearance, architectural and facade treatment, ingress, egress, parking, loading and unloading, sign design and landscaping.

(2) An operation plan. (Refer to Section 2.5H)”

Section 2.5H. referenced in the foregoing quotation, states:

“An Operation Plan providing information for proposed commercial and industrial uses on such matters as the proposed days and hours of operation; the number of employees; parking requirements; outdoor signage and lighting, refuse disposal; security lighting requirements; sanitation requirements; drainage requirements; odor, smoke, dust, noise control; and any special requirements such as a liquor license.”

8. The Plan Commission finds that it has received adequate information concerning the application for Site Plan/Plan of Operation as required by the Village Code, and has carefully considered the matter, and approves the Site Plan/Plan of Operation subject to the conditions noted below.

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<sup>5</sup> See footnote 1.

THEREFORE, IT IS ORDERED AS FOLLOWS, CONCERNING THE CONDITIONAL USE APPLICATION AND SITE PLAN/PLAN OF OPERATION APPROVAL:

Commencing on the date hereof, a Conditional Use Order and Site Plan/Plan of Operation approval for the Subject Property is hereby granted. The approvals granted apply only to the use of the Subject Property as described below and shall continue in existence only so long as the use is operated in compliance with these conditions. The approved use is subject to initial and continued compliance with each and every one of the following conditions, restrictions and limitations.

CONDITIONAL USE CONDITIONS:

1. The Conditional Use approval applies to the Subject Property only.
2. Conditional Use approval shall be subject to compliance with all following information and plans:
  - a. Public presentation compliance. The use must conform to the Petitioner's presentation made at the public hearing held on March 18, 2024.
  - b. The submitted Conditional Use applications with supporting written narrative submitted by Petitioner.
  - c. The submitted Site Plan and Buffer Planting Detail.
3. Before any site work commences toward implementation of this approval, including site preparation, grading and existing vegetation removal, and before any erosion control or building permit is issued by the Village of North Prairie, the following shall occur:
  - a. Recording of this Conditional Use Order in the Office of the Waukesha Register of Deeds.
  - b. Petitioner shall obtain all required permits and approvals from the State of Wisconsin and Waukesha County, and a copy of said permits and approvals shall be filed with the office of the Village Clerk. Such approvals may include a requirement of a stormwater management plan and agreement; and highway access approval.
  - c. Submittal of final plans and documents for approval by the Fire Department, Village Building Inspector, Village Engineer and the Village Planner, for review of matters within their jurisdiction, and a copy of said approvals shall be filed with the office of the Village Clerk.
4. The Conditional Use approval shall not be in full force and effect until such time as the Applicant described herein has ownership of the property or has entered a written lease agreement with the Property Owner allowing the proposed use.

SITE PLAN / PLAN OF OPERATION CONDITIONS:

5. The Site Plan / Plan of Operation approval applies to the Subject Property only.
6. The Site Plan / Plan of Operation approval shall be subject to compliance with all following

information and plans:

- a. Public presentation compliance. The use must conform to the Petitioner's presentation made at the public hearing held on March 18, 2024.
  - b. The submitted Plan of Operation application and accompanying Site Plan with supporting written narrative submitted by Petitioner.
  - c. The submitted Site Plan, Buffer Planting Detail and Days and Hours of Operation.
7. Building Inspection. The Petitioner shall comply with any and all recommendations by the Village Building Inspector (or designee) prior to the issuance of an occupancy permit for the subject property. Approval by the Village Building Inspector, if granted, shall be solely for the benefit of the Village of North Prairie, and shall not be relied upon by the Petitioner or others as proof of structural integrity or safety of any structures (temporary or otherwise) on the property, or as proof of compliance with any particular construction standard that would apply to new construction. The Petitioner shall independently determine the suitability of all structures on the property for the Petitioner's intended uses.
  8. Fire Inspection. The Petitioner shall comply with any and all recommendations by the Fire Department Chief (or designee) prior to the issuance of an occupancy permit for the subject property. Approval by the Fire Department Chief (or designee), if granted, shall be solely for the benefit of the Village of North Prairie, and shall not be relied upon by the Petitioner or others as proof of fire safety of any structure on the property, or as proof of compliance with any particular fire safety standard that would apply to new construction. The Petitioner shall independently determine the fire safety and suitability of all structures on the property for the Petitioner's intended uses.
  9. Structure Approval. The Building Inspector shall determine whether applicable Village Codes require any or all of the following in association with the proposed use: A principal building; Sanitary Sewer service or an approved POWTS septic system; plumbing connections; water service by a well, or municipal water service. The Petitioner shall bring the property into compliance based upon the determination of the Building Inspector prior to commencement of the use, subject to the following. In the event the Petitioner disputes the determination of the Building Inspector, the Petitioner may bring the matter back to the Plan Commission, without the need for further public hearing, for the Plan Commission to make the final determination of whether such determination of the Building Inspector is correct as a matter of law. This condition is intended to require code compliance, it is not intended to impose requirements in excess of applicable code standards.

**GENERAL CONDITIONS APPLICABLE TO BOTH THE CONDITIONAL USE AND  
THE SITE PLAN / PLAN OF OPERATION APPROVAL:**

10. This approval is granted for the express conditions stated herein. Changes or alterations including, but not limited to, a change in use, premises, lands, or ownership of the property in question shall require a new Conditional Use/Site Plan/Plan of Operation permit with all the zoning procedures at the time being followed. The allowed uses of the property must at no time be hazardous, harmful, obnoxious, offensive, or a nuisance by reasons of appearance, noise, dust, smoke, odor, or other similar factors. Any use not specifically listed, as permitted, shall be considered to be prohibited, except as may be otherwise specified herein.

11. The Petitioner shall keep the exterior condition of the premises in a neat and orderly condition at all times so the premises will not detract from neighboring premises. Except as permitted herein, there shall be no outside storage of junk, debris, or other refuse materials within the property and all such materials shall be disposed of promptly and properly. The Petitioner shall control dust to ensure that it does not blow from the property.
12. The Petitioner shall apply for approval for any signage as may be required by the Village of North Prairie Code of Ordinances and no new signage shall be installed absent such approval.
13. The Petitioner proposed that noise limits, if any are established, should be measurable, and proposed that the limits be established per the standards of Village of Summit Ordinance No. 69-29. The Plan Commission hereby incorporates by reference Village of Summit Ordinance No. 69-29, attached hereto by reference, in its entirety, except for the penalty provisions stated therein, and the Petitioner shall comply with its terms as a condition of this approval.
14. The Petitioner shall allow Village of North Prairie representatives to inspect the premises upon reasonable notice for the purposes of determining compliance with this approval.
15. The Petitioner and/or Property Owner shall, on demand, reimburse the Village of North Prairie for all costs and expenses of any type incurred by the Village of North Prairie in connection with the review and approval of this application, including, but not limited to, the cost of professional services incurred by the Village of North Prairie for the review and preparation of required documents, attendance at meetings or other related professional services as well as to enforce the conditions in this approval due to a violation of these conditions. Additionally, any unpaid bills owed to the Village of North Prairie by the Petitioner or Subject Property Owner for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees or forfeitures owed to the Village of North Prairie must be paid on demand and prior to issuance of any permits and shall be placed upon the tax roll for the Subject Property if not paid within thirty (30) days of the billing by the Village of North Prairie, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Village of North Prairie, including possible cause for termination of the conditional approval.
16. This approval is subject to being reviewed by the Plan Commission after one year following occupancy, to review compliance with the terms and conditions stated herein. Following such initial review, the Plan Commission may require a subsequent periodic review annually or upon a different time interval as the Plan Commission determines.
17. Standard Conditions.
  - a. Any use not specifically listed as permitted shall be considered to be prohibited except as may be otherwise specifically provided herein. In case of a question as to the classification of use, the question shall be submitted to the Village Plan Commission for determination.
  - b. No use is hereby authorized unless the use is conducted in a lawful, orderly and

peaceful manner. Nothing in this order shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption or exception to any law, ordinance, order or rule of either the municipal governing body, the County of Waukesha, the State of Wisconsin, the United States of America or other duly constituted authority, except only to the extent that it authorizes the use of the subject property above described in any specific respects described herein. This order shall not be deemed to constitute a building permit, nor shall this order constitute any other license or permit required by Village of North Prairie ordinance or other law.

- c. This use hereby authorized shall be confined to the Subject Property described, without extension or expansion other than as noted herein, and shall not vary from the purposes herein mentioned unless expressly authorized in writing by the Village of North Prairie Plan Commission as being in compliance with all pertinent ordinances.
- d. Should the permitted use be abandoned in any manner, or discontinued in use for twelve (12) months, or continued other than in strict conformity with the conditions of the original approval, or should the petitioner be delinquent in payment of any monies due and owing to Village, or should a change in the character of the surrounding area or the use itself cause it to be no longer compatible with the surrounding area or for similar cause based upon consideration of public health, safety or welfare, the use may be terminated by action of the Village of North Prairie Plan Commission.
- e. Any change, addition, modification, alteration and/or amendment of any aspect of this use, including but not limited to an addition, modification, alteration, and/or amendment to the use, premises, structures, lands or owners, other than as specifically authorized herein, shall require a new permit and all procedures in place at the time must be followed.
- f. Unless this order expressly states otherwise, plans that are specifically required by this order may be amended upon the prior approval of the Village of North Prairie Plan Commission if the Village of North Prairie Plan Commission finds the plan amendment to be minor and consistent with the approval granted. Any change in any plan that the Village of North Prairie Plan Commission feels, in its sole discretion, to be substantial, shall require a new permit, and all procedures in place at the time must be followed.
- g. Petitioner and Owner Agreement. As a condition precedent to the issuance of the conditional use permit, the owner of the Subject Property shall approve the issuance of this conditional use permit upon the terms and conditions described herein in writing, and the Petitioner is required to accept the terms and conditions of the same in its entirety in writing.
- h. Current Address. The Petitioner is obligated to file with the Village Clerk a current mailing address and current phone number at which the Petitioner can be reached, which must be continually updated by the Petitioner if such contact information should change, for the duration of this conditional use. If the Petitioner fails to maintain such current contact information, the Petitioner thereby automatically waives notice of any proceedings that may be commenced under this conditional

approval, including proceedings to terminate this conditional use.

- i. Should any paragraph or phrase of this order be determined by a Court to be unlawful, illegal or unconstitutional, said determination as to the particular phrase or paragraph shall not void the rest of the order and the remainder shall continue in full force and effect.
- j. If any aspect of this order or any aspect of any plan contemplated and approved under this order is in conflict with any other aspect of the order or any aspect of any plan incorporated herein, the more restrictive provision shall be controlling as determined by the Village of North Prairie Plan Commission.

The Petitioner provided substantial evidence of meeting or agreeing to meet these conditions, by their signature to this document. There was no substantial evidence from opponents to the contrary.

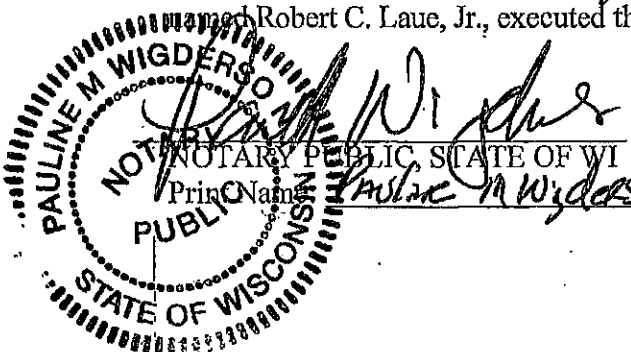
Dated this 15<sup>th</sup> day of May, 2024.

**Laue's Landscapes and Design Solutions,  
Inc.**

By: Robert C. Laue, Jr.

STATE OF WISCONSIN )  
 ) ss.  
COUNTY OF WAUKESHA )

Personally came before me on this 1st day of May, 2024, the above-named Robert C. Laue, Jr., executed the foregoing instrument and acknowledged the same.

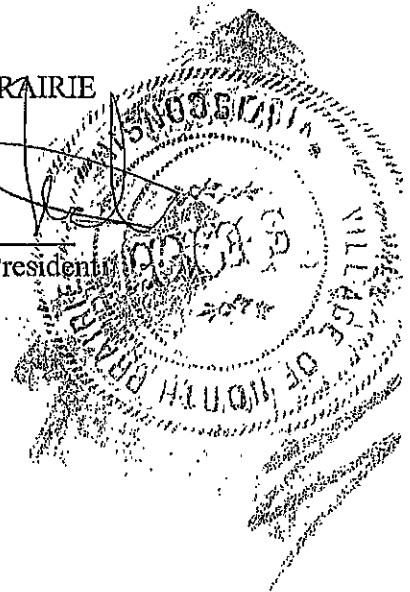


My Commission Expires: March 10, 2024

Dated this 1<sup>st</sup> day of May, 2024

VILLAGE OF NORTH PRAIRIE

Gary Nickerson  
Gary Nickerson, Village President



ATTEST:

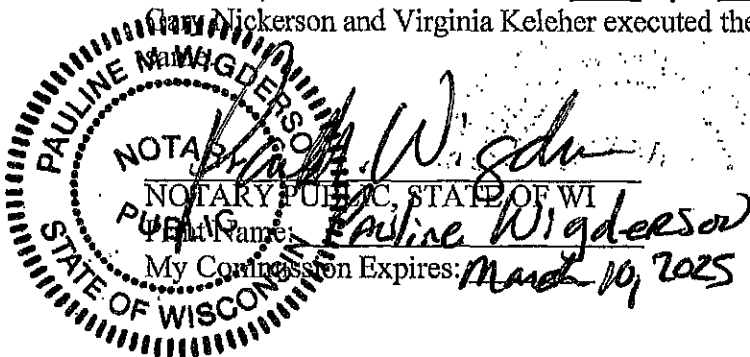
Virginia Keleher  
Virginia Keleher, Village Clerk

STATE OF WISCONSIN )

) ss.

COUNTY OF WAUKESHA )

Personally came before me on this 1<sup>st</sup> day of May, 2024, the above-named  
Gary Nickerson and Virginia Keleher executed the foregoing instrument and acknowledged the



THE NORTHEAST ONE-QUARTER ( $\frac{1}{4}$ ) OF THE  
NORTHEAST ONE-QUARTER ( $\frac{1}{4}$ ) OF SECTION THIRTY-TWO  
(32), TOWNSHIP SIX (6) NORTH, RANGE ~~18~~ EIGHTEEN (18)  
EAST, TOWN OF GENESEE, COUNTY OF WAUKESHA,  
STATE OF WISCONSIN, EXCEPTING AND RESERVING  
THEREFROM THAT CERTAIN STRIP THEREOF CONVEYED  
TO THE MILWAUKEE AND MISSISSIPPI RAILROAD  
COMPANY. ALSO THE FOLLOWING DESCRIBED PIECE OR  
PARCEL OF LAND, TO-WIT: COMMENCING AT THE  
NORTHEAST CORNER OF THE WEST ONE-HALF ( $\frac{1}{2}$ ) OF  
THE SAID NORTHEAST ONE-QUARTER ( $\frac{1}{4}$ ) OF SAID  
SECTION THIRTY-TWO (32), THENCE RUNNING WEST  
 $2\frac{1}{2}$  RODS; THENCE SOUTH 8 RODS; THENCE EAST  
 $2\frac{1}{2}$  RODS; THENCE NORTH 8 RODS TO THE PLACE  
OF BEGINNING. FURTHER EXCEPTING CERTIFIED  
SURVEY MAP NO. 3593 AND CERTIFIED SURVEY MAP  
NO. 4287. EXCEPTING THEREFROM THE LANDS DESCRIBED  
IN WARRANTY DEED DATED JUNE 5, 1987 AND  
RECORDED IN THE OFFICE OF THE REGISTER OF  
DEEDS FOR WAUKESHA COUNTY, WISCONSIN, ON  
JUNE 10, 1987 IN REEL 904, IMAGE 541, AS  
DOCUMENT NO. 1429874